REMARKS

Claims 1-20 are pending after this amendment. Applicants have amended claims 1 and 13 in order to more particularly define the invention. The amendments were not necessitated by the claim rejections. Applicants make no admission as to the patentability or unpatentability of the originally filed claims.

The amendments and remarks presented herein are in response to the Office Action dated May 19, 2005.

Request to Remove "Final" for Office Action

Pursuant to MPEP § 706.07(a), applicants request withdrawal of the finality of the Office action dated May 19, 2005. Applicants point out that independent claim 12 is in its original form and has not been amended. The Examiner relied on a new ground of rejection, using new cited reference U.S. Patent No. 6,496,703 ("da Silva"). (*See* Office action, pp. 2-3; Compare Office action, dated June 18, 2004, p. 4). The prior action provides no reference to da Silva) and da Silva was not cited in an Information Disclosure Statement submitted by Applicants. Therefore, because Applicants had not, and still have not, made amendments to independent claim 12 that necessitated the new ground of rejection of claim 12 and, pursuant to MPEP § 706.07(a), Applicants request withdrawal of the finality of the Office action.

Response to Rejection Under 35 USC 112, Paragraph 1

Examiner has rejected claims 15 and 17-20 under 35 USC 112, paragraph 1 as allegedly lacking written description. This rejection is respectfully traversed.

The Federal Circuit has held that "drawings alone may provide a "written description" of an invention as required by § 112" and that "[d]rawings constitute an

adequate [written] description if they describe what is claimed and convey to those of skill in the art that the patentee actually invented what is claimed." (*Cooper Cameron Corp. v. Kvaerner Oilfield Prods.*, 291 F.3d 1317, 1322 (Fed. Cir. 2002); *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1565-66 (Fed. Cir. 1991); *see also* MPEP § 2163.02).

Figure 5A of Applicants' application shows a notification message plainly indicating that the device is "airplane safe" and that "All RF devices are DISABLED." Figure 5B of Applicants' application shows the same device as Figure 5A, but with the screen showing an image of an airplane inside a circle with a line crossing the interior of the circle and the airplane. Further, the "Brief Description of the Drawings" section of the specification describes these figures. Specifically, it explains that "Fig. 5A is a screen shot of an example confirmation screen indicating that a PDA device having RF capability is airplane safe" and "Fig. 5B is an example screen shot of a PDA having RF capability indicating the PDA is not airplane safe." (Specification, p. 8, lines 20-24)

These figures and their accompanying descriptions in the specification convey to those of skill in the art that Applicants invented a device which displays the enablement status of its RF capabilities using an icon that comprises an airplane. Accordingly, Applicants respectfully submit that for at least these reasons claims 15 and 17-20 are supported by an adequate written description under 35 USC § 112, paragraph 1. Therefore, Applicants respectfully request that Examiner reconsider the rejection and withdraw it.

Response to Rejection Under 35 USC 102(e) in View of da Silva

Examiner has rejected claims 11 and 12 under 35 USC § 102(e) as allegedly being anticipated by da Silva. This rejection is respectfully traversed.

Claim 11 recites, in part, "a user interface mechanism configured to ... provide the user with an option to continue with the program requiring RF capabilities and automatically enable the RF device."

The cited reference, da Silva, does not disclose or even suggest the mechanism recited in claim 11. Rather, da Silva discloses a method for disabling wireless communication devices such that calls attempted by a cellular phone within a disabling zone "would appear to be out of range" or "could be sent to a recorded message explaining that the cellular phone is located in a restricted area and cannot be used." (*da Silva*, col. 9, lines 43-47). In addition, da Silva discloses allowing 911 calls made from the disabling zone to be "processed in a normal manner." (*Id.*, col. 9, lines 47-50). In da Silva, the cellular phone user never gets to determine whether wireless capabilities for a given phone number are enabled or not. For 911 calls, wireless capabilities are always enabled. For all other calls, they are not. In general, a given phone number will always work or it will always be blocked.

In contrast to da Silva, in the claimed invention when RF capabilities are off, the user is given an option, through the user interface mechanism, of whether to enable and continue with the program requiring RF capabilities or not. For example, if the user tries dialing a phone number and RF capabilities are off, the notification mechanism of claim 11 would give him the option of turning RF capabilities on and continue dialing that same phone number.

Referring back to da Silva, the underlying principle of that system is to grant control of a device's wireless capabilities to someone other than the device user. For example, law enforcement could cut off the communication abilities of fleeing suspects (*see da Silva*, col. 2, lines 5-9) or a gas station owner could prohibit use of cellular

phones near gas pumps (*Id.*, col. 3, lines 10-17). In contrast to da Silva, the notification mechanism of claim 11 puts control of a device's RF capabilities in the hands of the user. That is, the claimed invention is configured to allow a user the option of automatically enabling the RF device by continuing the program requiring RF capabilities.

Likewise, claim 12 recites, in part, "if the user input indicates the mechanism is to be granted RF access: automatically enabling the RF device." Thus, for reasons similar to those described above in conjunction with claim 11, da Silva does not disclose or suggest this limitation of claim 12.

Based on the above remarks, Applicants respectfully submit that for at least these reasons claims 11 and 12 are patentably distinguishable over the cited reference. Therefore, Applicants respectfully request that Examiner reconsider the basis for the rejection to these claims and withdraw it.

Response to Rejection Under 35 USC 103(a) in View of Orimo, Mauney, and LaGrotta

Examiner has rejected claims 1, 13, and 16 under 35 USC § 103(a) as allegedly being obvious in light of Japanese Patent No. 7,303,134 to Orimo ("Orimo")[1] in view of U.S. Patent No. 6,484,027 to Mauney ("Mauney") and further in view of U.S. Patent No. 6,477,361 to LaGrotta ("LaGrotta"). This rejection is respectfully traversed.

Amended claim 1 recites in part, "a software enabled switch displayed on the device screen for enabling and disabling the radio unit." The claimed invention presents buttons displayed on the touch sensitive screen 302. (*See, e.g.*,. Fig. 3; specification, p.

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1 Applicants note that they have requested a full translation copy of the Orimo reference from Examiner. Examiner has noted that she has been having difficulty obtaining the translation from the appropriate department in the

17, lines 10-16). In one embodiment, these buttons may take the form of the touch sensitive areas 315 or the selectable options 350, both shown in, for example, Figure 3.

Applicants agree with the Examiner that Orimo does not disclose, suggest, or teach this claimed element. However, Mauney does not remedy this deficiency of Orimo. Mauney merely discloses "keys on a keypad ... which provide multiple functionality depending on the operating state or mode of the handset." (*Mauney*, 13:67-14:3) The keypad in Mauney, however, is a separate feature than the display. Specifically, the wireless handset in Mauney is "a full featured wireless handset that comprises ... a display 65, a keypad 66." (*Id.*, col., 13, lines 35-38; *see* Fig. 4A). Unlike the claimed invention, therefore, Mauney does not disclose or suggest a software enabled switch displayed on a device's screen. For at least this reason, claim 1 is patentable over Orimo in view of Mauney and LaGrotta.

Similarly, amended claim 13 recites in part "a software enabled switch displayed on the device screen for enabling and disabling the radio unit." For reasons similar to those described above in conjunction with claim 1, Mauney does not disclose or suggest this claimed element. Accordingly, claim 13 is also patentable over Orimo in view of Mauney and LaGrotta. Likewise, because claims 2-10 depend on claim 1, and claims 14 and 16 depend on claim 13, Applicants respectfully submit that claims 2-10, 14, and 16 are also patentably distinguishable over Orimo, Maurney, and LaGrotta.

Thus, based on the above remarks, Applicants respectfully submit that for at least these reasons claims 1-10, 13, 14, and 16 are patentably distinguishable over the cited

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Office. Applicants note that their response is with respect to the English portion of the translation Examiner has provided and relied upon to date.

references. Therefore, Applicants respectfully request that Examiner reconsider the rejection and withdraw it.

Conclusion

On the basis of the above amendments, consideration of this application and the early allowance of all claims herein are requested.

Should the Examiner wish to discuss the above amendments and remarks, or if the Examiner believes that for any reason direct contact with Applicants' representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,
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By: _____

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